

CAHILL GORDON & REINDEL LLP
32 OLD SLIP
NEW YORK, NY 10005

DANIEL R. ANDERSON
HELENE R. BANKS
ANIRUDH BANSAL
LANDIS C. BEST
CHRISTOPHER BEVAN
BROCKTON B. BOSSON
JONATHAN BROWNSON *
DONNA M. BRYAN
EMEKA C. CHINWUBA
JOYDEEP CHOUDHURI *
JAMES J. CLARK
CHRISTOPHER W. CLEMENT
AYANO K. CREED
PRUE CRIDDLE ±
SEAN M. DAVIS
STUART G. DOWNING
ADAM M. DWORKIN
ANASTASIA EFIMOVA
SAMSON A. ENZER
JAMES Z. FANG
GERALD J. FLATTMANN JR.

HELENA S. FRANCESCHI
JOAN MURTAGH FRANKEL
JONATHAN J. FRANKEL
SESI GARIMELLA
ARIEL GOLDMAN
PATRICK GORDON
JASON M. HALL
STEPHEN HARPER
WILLIAM M. HARTNETT
CRAIG M. HOROWITZ
TIMOTHY B. HOWELL
DAVID G. JANUSZEWSKI
JAKE KEAVENY
BRIAN S. KELLEHER
RICHARD KELLY
CHÉRIE R. KISER ‡
JOEL KURTZBERG
TED B. LACEY
ALIZA R. LEVINE
JOEL H. LEVITTIN
GEOFFREY E. LIEBMANN

TELEPHONE: (212) 701-3000
WWW.CAHILL.COM

1990 K STREET, N.W.
WASHINGTON, DC 20006-1181
(202) 862-8900

CAHILL GORDON & REINDEL (UK) LLP
20 FENCHURCH STREET
LONDON EC3M 3BY
+44 (0) 20 7920 9800

WRITER'S DIRECT NUMBER

(212) 701-3435

MARK LOFTUS
JOHN MacGREGOR
BRIAN T. MARKLEY
MEGHAN N. McDERMOTT
WILLIAM J. MILLER
EDWARD N. MOSS
JOEL MOSS
NOAH B. NEWITZ
WARREN NEWTON §
DAVID R. OWEN
JOHN PAPACHRISTOS
LUIS R. PENALVER
SHEILA C. RAMESH
MICHAEL W. REDDY
OLEG REZZY
THOMAS ROCHER *
PETER J. ROONEY
THORN ROSENTHAL
TAMMY L. ROY
JONATHAN A. SCHAFFZIN
ANDREW SCHWARTZ

DARREN SILVER
JOSIAH M. SLOTNICK
RICHARD A. STIEGLITZ JR.
SUSANNA M. SUH
ANTHONY K. TAMA
JOHN A. TRIPODORO
HERBERT S. WASHER
FRANK WEIGAND
MICHAEL B. WEISS
DAVID WISHENGRAD
C. ANTHONY WOLFE
ELIZABETH M. YAHL

* ADMITTED AS A SOLICITOR IN
ENGLAND AND WALES ONLY
± ADMITTED AS A SOLICITOR IN
WESTERN AUSTRALIA ONLY
‡ ADMITTED IN DC ONLY
§ ADMITTED AS AN ATTORNEY
IN THE REPUBLIC OF SOUTH AFRICA
ONLY

April 23, 2024

Re: *Star Colbert v. Dougan, et al.*, No. 1:23-cv-07297-CM

Dear Judge McMahon:

We write on behalf of Defendants in the above-captioned matter. As the Court is aware, Plaintiff's counsel in this matter filed two related cases (*Schur v. Dougan*, No. 23-cv-10944; and *Hohimer Wealth Management LLC v. Dougan*, No. 23-cv-11138) during the pendency of the *Star Colbert* motion to dismiss, at which time the Court imposed a stay in both *Schur* and *Hohimer*. Defendants have never been served, or made appearances, in *Schur* or *Hohimer*.

We understand that, after the Court granted Defendants' motion to dismiss *Star Colbert* last month, Plaintiffs filed a letter on the dockets in the *Schur* and *Hohimer* matters advising that they intended to file amended complaints, without explaining why those new complaints would present any new issues, and that they recently proceeded to file two (substantially identical) amended complaints on the *Schur* and *Hohimer* dockets. As the Court may be aware, the amended complaints name a different set of Defendants than had been named in the original complaints (the amended complaints name some but not all of the original Defendants). Because Defendants have not been served with any complaint in the *Schur* and *Hohimer* actions and have not consented to accept service, and have not appeared by counsel, we did not receive through ECF or otherwise either Plaintiff's letter or this Court's Orders concerning the letter.

We have since learned of these filings. We of course do not wish to create undue delay and are prepared to move expeditiously. With the Court's permission, we would propose to obtain promptly from each of the Defendants named in the amended *Schur* and *Hohimer* complaints consent to accept service and appear on their behalf, and to move to dismiss the amended complaints. We would propose to obtain the required consents to accept service of the *Schur* and *Hohimer* amended complaints by no later than April 30, 2024, and then to move to dismiss on whatever schedule the Court requests. Given the Court's prior Orders, and the substantial

CAHILL GORDON & REINDEL LLP

-2-

similarity between these two cases and the case the Court already dismissed, we would be prepared to file motions to dismiss within one week of obtaining all consents to service.

Respectfully submitted,

/s/ Herbert S. Washer

Herbert S. Washer

Edward N. Moss

Jason M. Hall

Tammy L. Roy

Cahill Gordon & Reindel LLP

32 Old Slip

New York, NY 10005

212-701-3000

Counsel for Defendants

The Honorable Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street, Room 24A
New York, New York 10007

cc: All Counsel of Record